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David T. Read
Acting Director Regulatory Policy Staff, CDER
Food and Drug Administration
1451 Rockville Pike, HFD-7
Rockville, MD 20852

Re: MAXALT® (rizatriptan benzoate)
FDA Docket No. 98E-0852

Dear Mr. Read:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 5,298,520. The application was filed on August 7, 1998, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Telephone inquiries regarding this matter should be directed to the undersigned at (703)306-3159.

Karin Tyson
Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

cc: Philippe L. Durette
Merck & Co., Inc.
P.O. Box 2000
Rahway, NJ 07065-0907

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